

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	
	§	
RIGHT OF WAY MAINTENANCE	§	Case No. 09-35037
EQUIPMENT COMPANY,	§	
	§	Chapter 11
Debtor.	§	
	§	

**BANDAS LAW FIRM, P.C., CHRISTOPHER A. BANDAS, JEFFREY D. MEYER, AND  
MOULTON & MEYER, LLP'S NOTICE OF OPPOSITION TO DEBTOR RIGHT OF  
WAY MAINTENANCE EQUIPMENT COMPANY'S EXPEDITED MOTION FOR USE  
OF CASH COLLATERAL**

TO THE HONORABLE KAREN K. BROWN, UNITED STATES BANKRUPTCY JUDGE:

Bandas Law Firm, P.C., Christopher A. Bandas, Jeffrey D. Meyer, and Moulton & Meyer, LLP ("Respondents") hereby file this Notice of Opposition to Debtor Right of Way Maintenance Equipment Company's ("Rowmec") Expedited Motion for Use of Cash Collateral (Dkt. #20), as follows:

Rowmec recently filed an adversary proceeding against Respondents.<sup>1</sup> However, Respondents have not yet appeared in that lawsuit. Respondents hereby notify the Court, and counsel for all parties, that they oppose Rowmec's expedited motion for use of cash collateral and will submit a response to that motion in accordance with the Local Rules for the United States Bankruptcy Court for the Southern District of Texas, Houston Division. Further, Respondents will submit briefing to the Court regarding jurisdictional matters that preclude the Court from acting on Rowmec's request. Respondents will show that the funds at issue are the subject of litigation that was commenced before Rowmec's bankruptcy petition and are being

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<sup>1</sup> See *Right of Way Maintenance Equipment Company v. Cambridge Management Group, LLC*, Adversary No. 09-03303; In the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

held pursuant to an order from the Court that has dominant jurisdiction. Further, Respondents intend to file a motion to lift the automatic stay in order to continue litigation commenced before Rowmec's bankruptcy proceeding.

Respectfully submitted,

**HAYS, McCONN, RICE & PICKERING**

By: /s/ Michael M. Gallagher w/permission

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument has been duly sent via CM/ECF on this the twenty-sixth day of August, 2009 to all counsel of record.

/s/ Michael M. Gallagher  
Michael M. Gallagher